

RUSSELL D. GREER
CHAPTER 13 STANDING TRUSTEE
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:)	Case No.: 18-20365
)	D.C. No.: EML-3
RADHEY SHYAM)	CHAPTER 13 PROCEEDING
LILLIAM SHYAM)	
)	DATE: July 24, 2018
)	TIME: 10:00 AM
)	DEPT.: D

CHAPTER 13 STANDING TRUSTEE'S OPPOSITION TO DEBTORS'
MOTION TO CONFIRM AMENDED CHAPTER 13 PLAN

RUSSELL D. GREER, Chapter 13 Standing Trustee in the above referenced matter, opposes Debtors' Motion to Confirm Amended Chapter 13 plan on the following grounds:

I.
BASIS OF OPPOSITION

1. Debtors' plan is not proposed in good faith. There is no Declaration from the Debtors in support of the motion. [11 U.S.C. §1325(a)(3)]

2. Debtors' plan is not feasible. Debtors' plan proposes payments of \$5,556.00 for 60 months. Because Debtors failed to make the payment proposed in the plan, Debtors are delinquent \$5,773.00. [11 U.S.C. §1325(a)(6)]

3. Debtors' Amended Schedule J (Docket #69) includes an \$800.00 a month expense for health insurance. This amount is significantly higher than the expense for health insurance included on the Schedule J filed at the inception of the case (Docket #10) At the inception of the case, the Debtors listed their health insurance expense as \$26.00 per month. Trustee requests that debtors provide evidence to verify the increase in health insurance expenses.

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II.

POINTS AND AUTHORITIES

11 U.S.C. §1322(a) provides that a plan shall provide for certain payments to creditors and for payment of claims within specified classes. Pursuant to 11 U.S.C. §1325(a)(1) the Court shall confirm a plan if the plan complies with the provisions of Chapter 13 and with other applicable provisions of this title.

11 U.S.C. §1325(a) provides that the Court shall confirm a plan if certain criteria set forth in §1325(a) is met.

The debtors carry the burden of proving, by a preponderance of the evidence, that the plan complies with the statutory requirements of confirmation. In re Arnold and Baker Farms, 177 B.R. 648, 654 (9th Cir. BAP 1994), In re Warren, 89 B.R. 87, 93 (9th Cir. BAP 1988), In re Wolff, 22 B.R. 510, 512 (9th Cir. 1982).

WHEREFORE, the Trustee requests that the court deny the Motion to Confirm Chapter 13 Plan.

Respectfully submitted,

Dated: 03/19/2018

/S/ LORRAINE W. CROZIER
LORRAINE W. CROZIER,
Attorney for Russell D. Greer,
Chapter 13 Standing Trustee